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(3)

Case No. 96-1957

In The
Supreme Court of the United States

October Term, 1996

PAUL JENNINGS HILL

Petitioner,

vs.

STATE OF FLORIDA,

Respondent

CAPITAL CASE

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF FLORIDA

MOTION FOR LEAVE TO FILE AMICUS CURIÆ BRIEF, AND BRIEF OF AMICI CURIÆ THE FRIENDS OF PAUL JENNINGS HILL IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI With Appendix

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QUESTIONS PRESENTED BY AMICI

1. Was Hill given faulty Farretta advisements, did not qualify to represent himself, and prejudiced within the meaning of *Sullivan v. Louisiana*, 113 S.Ct. 2078 (1993), by denial of a meaningful access to the courts to provide the following defenses:

   a. Based on exhaustive research on the use of the death penalty, the jury should have been instructed that the death penalty could be applied, if at all, only if the state demonstrated beyond a reasonable doubt that the state could not protect society by mere incarceration.

   b. Based on new research, the ruling in *Heath v. Alabama*, 474 U.S. 82 (1985) that dual sovereignty allows multiple punishment is inconsistent with the common law, and therefore Hill was denied an opportunity to show, if there is a basis, the death penalty was barred under the doctrine of double jeopardy.

2. In light of *Sullivan v. Louisiana*, 113 S.Ct. 2078 (1993), was it reasonable for the court below to refuse the defense of the right to use reasonable force, and deadly force if reasonable, in the defense of others, to wit the unborn, where, arguably, the unborn are members of posterity" as used in the Preamble of the Constitution, and therefore a person entitled to a defense?

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